

CAMDEN PLANNING BOARD

Minutes of Meeting

February 16, 2011

PRESENT: Chair Chris MacLean; Members Richard Householder, Member Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Members Sid Lindsley and Nancy McConnel; CEO Steve Wilson; Town Attorney Bill Kelly; and Select Board Liaison Deb Dodge

1. PUBLIC COMMENT:

Dori Klein: Came to ask what the Friends of Ragged Mountain could do, if anything, to help the Board in the development of a Wind Ordinance. She had the following to report:

- Rockport is drafting their Wind Ordinance and has decided to place a 100' height limit on all structures anywhere in Town. That will prohibit tall, large turbines.
- *Down East Magazine* has an article discussing the pros and cons of wind power in the upcoming issue.
- She confirmed that Attorney Bill Kelly had provided answers to the questions asked by the Board regarding wind ordinances: (1) The Town's High Elevation District standards would prohibit wind turbines in this District without being revised. (2) The State's "Fast Track" Wind Ordinance would not over-ride this ordinance - or any other local wind ordinance that was in place. Ms. Klein stated that this should make the whole ordinance writing process easier.

2. MINUTES:

January 5, 2011:

Page 3:

Line 10: "the neighbors didn't want that kind of density..."

Line 41: "~~voluntariness~~ willingness to volunteer..."

Page 4: "~~Know that they can~~ Follow ordinances without letting their personal beliefs..."

MOTION by Mr. MacLean seconded by Mr. Householder to approve the Minutes of January 5, 2011 as amended.

VOTE: 5-0-1 with Ms. MacKinnon abstaining due to her absence

January 19, 2011:

Page 1: Line 43: "...and Mr. Kelly replied that ~~he~~ Mr. Householder was correct."

Page 7: Line 33: Ms. Dodge's name had been misspelled.

3. SITE PLAN REVIEW: Pre-application Conference:

Lot expansion by merging/Creation of parking lot

Reny's Plaza: 83 Elm Street: Map 119 Lot 221: Transitional Business District (B-3)

The Chair noted that the pre-application process does not provide for public input, but that he understands that the Applicant wants to hear from abutters and others about concerns they may have with this project. He informed those members of the public in attendance that they would be given an opportunity to speak and that he would try to give everyone who wanted to speak the opportunity to do so as long as time permitted. The Chair noted for the record that the Code Office had received several email messages regarding this project. If the project goes forward and a formal application is made, those emails will be made part of the actual record. For now, they will be referenced in the minutes. (See attachment for listing of emails received.)

Will Gartley of Gartley and Dorsky Engineering and Surveying was there to present the project, and John Reny, a member of the Reny family who owns the shopping plaza, was there to answer questions. The Reny family wants to purchase 3 Norwood Avenue, a lot adjacent to the Reny's store, and expand parking. They have talked to Town Attorney Bill Kelly and the CEO about the fact that Reny's is a grandfathered use in the B-3 zone (retail) but that parking is allowed as an accessory use in the B-3. They don't want to access Norwood and there will be screening all around the lot. There are two watercourses flowing across the Norwood lot: an outlet from the Reny's lot is taken under Norwood and one is in an existing ditch line behind the store property. They plan on improving the existing storm water drainage situation by collecting all this water before it goes across the street and down through the neighborhood by diverting it through a connector to the recently improved Town storm drain system at Willow Street. They will raise the elevation of the Norwood lot somewhat to decrease the difference in elevations between the two lots. The buffer plantings at this new level will help to screen the side of the Reny's building as well. Mr. Gartley added that his sketch of this parking lot shows the maximum number of slots that could be put on the lot – they may lose a couple of spaces as the design evolves.

Mr. Reny noted that this lot has had a problem with traffic flow and parking for many years. When the drugstore was there, there was not enough parking for everybody, and Mr. Reny leased a lot across the street to use for employee parking. It would be much safer for his employees if they could park on this side of Route One. In addition, he is looking for a tenant for this now-empty storefront and that is made more difficult because parking is at times so limited. He responded to a complaint raised in a couple of the emails – that of noise made late at night by commercial street sweeping machines. He wanted to bring information to the meeting this evening, but the man in charge of that part of lot maintenance is out of town. He believes that the lot is cleared of salt and sand at the end of the winter plowing season, but is not aware of other cleanings. The work must be done after hours so the lot is empty, but he thought the cleaning was done soon after the store closed for the evening – neighbors say it is much later at night.

Mr. Gartley responded to concerns raised in emails about the snow piles and the problems with the current buffer dying away. Most of the snow from the lot is hauled away – there is not room for it on the lot. There will always be piles at the edges of the lots, however, and this winter they are especially tall. There should not be a problem of salt draining into the buffer and killing the vegetation, because drainage for the lot will be designed to carry away storm run-off before it reaches that area. But because of this, they are discussing combining fencing interspersed with vegetation – nothing has been designed yet. Any vegetation will be planted at height sufficient to block the glare of headlights.

Mr. Sargent: Is concerned about “creep” – he doesn't like the idea of merging a lot and changing its residential character. The Ordinance says that accessory uses are allowed on the same lot, and parking is considered an accessory use. But he is not sure that this should be made to happen through merging. He wonders where the merging would stop – if it is allowed it could take up the B-3 portion of this street. Mr. Wilson responded that Bill Kelly assumes the lots will be merged, and there is nothing stopping anyone from buying two adjacent lots and merging them. There *is* a restriction on any expansion of the Reny's building since it is a non-conforming, grandfathered use it is not allowed to expand outside its current footprint. Mr. Wilson went on to say that even if the lots are merged there are many issues that need to be sorted through:

- Does this expansion fit the category of accessory use?
- Where are front setbacks measured from – the property line facing Route One if the lot is merged, or Norwood Street?
- Where is the frontage for this lot now? Does that change if it is merged?
- The B-3 allows a commercial parking facility as a “utility use”, but only if no buildings existing prior to 12/1/1992 have to be demolished for the project. If this parking is not an accessory use, is it a commercial parking facility?

There are many gray areas.

Mr. Sargent read from the purpose of the B-3 District: “The Transitional District is meant to accommodate limited business uses in areas that are located along main traffic arteries, but are residential in character. The explicit purpose of this district includes the prevention of strip highway development and the preservation of the character and appearance of established residential neighborhoods.

The Chair informed Mr. Wilson that the Board will need something in writing from Attorney Kelly if this moves forward – they will need his opinion on all the legal issues here. It is the Planning Board role to interpret the Ordinance to the best of their ability, but they will need advice to get started in this case.

Mr. Gartley noted that there are many permitted uses in the B-3 that would require a lot of parking – the drafters must have anticipated having large parking lots in this District. Mr. Wilson noted that parking is permitted as an accessory use and that many of the commercial properties in Town were created by combining lots. Mr. MacLean added that as long as the lots are both in the same zone, by law the one lot would be encompassed within the other and the use allowed. However, it is up to the Applicant to present a “clear and convincing argument” that their request is legally allowed by the Ordinance. That often comes in the form of a legal memorandum, and such a document, if offered by the Applicant, would need to be reviewed by Attorney Kelly.

Ms. MacKinnon asked about lighting: She realizes they must have some lighting for safety reasons, and hopes they will keep that lighting minimal. Mr. Gartley replied that whatever they do will be lower to the ground, low level and down-lighted – Mr. Reny agreed that lighting would also be on timers.

Mr. Householder:

- Asked about the adjustments to be made to the elevations between the lots: Mr. Gartley stated that they would use the connector ramp - which will be about 20' - 30' in length - to make up the difference in the drop.
- Asked about the drainage from the current lot. Mr. Gartley replied that drainage for the entire lot is directed to the lower center, and that drainage captures most of the storm water. It is the other two watercourses coming from uphill that they will address.
- Asked about pedestrians sharing the ramp. Mr. Gartley said they had discussed that concern raised in an email and are contemplating a separate pedestrian path that will connect to the existing sidewalk in front of the building. It would be shown on an actual Plan.
- Asked if all the trees on the lot would have to be removed. Mr. Gartley replied that the lot is not heavily wooded – it is actually pretty open with some brush at one end and a few trees at the other – all would have to go.

Mr. Sabanty: Is most concerned to hear discussion about the impact to the neighborhood.

Ms. McConnel: Asked if this was a place where permeable pavement would work. Mr. Gartley said that engineers, as well as folks at DEP, are changing their minds about using the current products for commercial applications – they just don't stand up. The porosity disappears quickly as the particles filling the grids get clogged and drainage is impacted. It is also a problem in the winter as it is very difficult to plow. It also doesn't work well where people park all day because they shade the grass that is trying to grow – it dies and all that is left is gravel and plastic forms. It is OK for overflow parking areas that are used infrequently, or for fire lanes, but he couldn't recommend it for this site.

Mr. Sargent:

- Asked Mr. Reny how many employees he has on average working in the store – he answered 15 – 20 most of the year. This area, though, is not to be used just for employee parking, but will be there for the convenience of customers as well.
- Asked what the parking in back of the store was used for – they have a few spaces for handicapped employees back there and a few other spaces that the employees trade about. There is also a loading area back there, so room has to be left for delivery trucks to come and go in a tight space.
- Asked Mr. Reny if he knew what the parking requirements would be if this were a new business coming in – he did not know. Mr. Sargent asked Mr. Wilson to make that determination since it is important to know if this lot will be creating excess parking or if the spaces will be going toward the actual parking requirement.

The Chair opened the floor to comments from the public:

Ross McKenna: Asked if there was anything that limited the use of the lot for anything other than parking – outdoor storage of materials, for example. Mr. Wilson suggested that the Site Plan approval would be for a parking lot and the use was restricted to what was approved. He asked if a dumpster could be placed there. It could, but the Board has the option of placing restrictions through conditions of approval and that kind of concern could be addressed in that manner.

Francie Wheeler-Berta: 2 Norwood Avenue: Speaking for her family as well as the Callanan family and the Brannan family who could not attend this evening. They are all very much opposed to the project. She has looked at the Ordinance and she does not see that the parking lot is necessary. She walks by there every day and sees many empty spaces. She also uses the crosswalk that Reny's employees use every day and never has a problem with cars not stopping for her – she thinks it is safe. So, if the need for the lot is to keep Reny's employees safe, she hopes the Board will weigh that against the cost to the neighborhood. She also thinks the lot goes against the Purpose of the B-3 District to retain the residential character. She hopes the Board will take the long view to see what the impact will be. No matter how pretty they make it, it is still a parking lot. She asked for a neighborhood meeting with Mr. Reny and someone from Gartley and Dorsky.

Mr. MacLean asked what the impacts on the neighborhood would be: Ms. Wheeler-Berta replied that they will know better when they see the details, but for now they imagine that there will be an increase in foot traffic along the street as people use the lot as a shortcut to get to the store;

there will be noise – the sweeper is already loud and it will be closer and very loud; and there will be lighting.

Pam Elliott: Pearl Street: The Chair disclosed the fact that Ms. Elliott was the wife of his law partner in case there were any concerns about a conflict of interest on his part by members of the Board – there were none. Ms. Elliott spoke to the historic character of the neighborhood that is already edged by the commercial district on Route 1. There are already three large parking lots that back up to residences and they just don't need to add another. Drainage is a huge problem – especially for properties on the lower end Pearl Street, and this could just make matters worse. The residents have worked hard to maintain this neighborhood and to retain its character.

Ingrid Ellison: Pearl Street: She moved here 4 years ago because of the feel of the neighborhood and just doesn't want to see it change. She has never seen the parking lot full and she drives by every day – it just doesn't make sense to add more parking that will encroach into the neighborhood and negatively impact the houses on Norwood Avenue. The house that is for sale there, and others as well, will be hard to sell – nobody wants to live across the street from a parking lot.

Deb Dodge: Ms. Dodge read the definition of Commercial Parking Facility: “An outside lot, or any portion of an outside lot, used for the parking of motor vehicles where that use is a primary use.” Mr. Sargent replied that these are lots where customers pay to park, but Ms. Dodge countered that there was nothing in this definition that said that had to be the case. She wonders why this lot wouldn't be classified this way and, if it is, the restriction against taking down buildings to construct the lot would apply. Board members agreed that this was one of the issues they needed to clarify with Bill Kelly. Mr. Wilson noted that he and Mr. Kelly have discussed the classification of this lot and, in Mr. Kelly's opinion this parking lot would be an accessory use.

The Board offered their comments to Mr. Reny and Mr. Gartley about what issues they would expect to see addressed if an actual application does come forward:

Mr. Lindsley: Believes the neighbors are wary of how effective any screening would be because of what has happened in the past to the plantings that are supposed to screen the existing lot. He thinks this is what they are afraid will happen again.

Ms. McConnel:

- Would like information on the actual use of the parking lot – and the information on how many spaces are actually needed. Mr. Reny added that hopefully someone will come in where the drug store was, and that would increase the use.
- She has heard how important storm water runoff is to the neighbors – these concerns need to be addressed.
- She would like to see a couple of sections to show how headlights will be directed – how will that look from Norwood with the increase in elevation of the lot.

Mr. Sabanty: Will the side abutters be impacted by the increase in elevation of the lot? Mr. Gartley replied that there is already existing drainage on either side of the lot – the fill will slope to meet that drainage – but the lot will be engineered so there won't be run-off – all the storm water will be captured before it leaves the lot.

Mr. Gartley and Mr. Reny will discuss what they have heard this evening and make a decision on whether or not they will proceed.

4. SUBDIVISION: Request for Waiver of Review

Maple Grove Subdivision

Pamela Spear: Subdividing a parcel of land located in Camden and Rockport

Michael Sabatini of Landmark Corporation, representing the Spear family, was present before the Board requesting that the Camden Planning Board waive their right to joint review of the subdivision of a parcel of land that crosses the town borders of Camden and Rockport because all of the lots being created fall squarely within the Town of Rockport. Rockport's Planning Board has reviewed, and approved this subdivision already. At the request of the Board, Town Attorney Bill Kelly had prepared a memorandum outlining the process involved in conducting and in waiving joint review (memo dated January 25, 2011). Mr. Sabatini informed the Board that there were four lots involved in this subdivision, but the part of the property that was within the Town of Camden was the remainder land. All lots divided out for conveyance were all in Rockport (one had been conveyed previously and the other two will be sold). Referring to Attorney Kelly's memo, the Board learned that when property spans two towns the Courts have determined that each town has jurisdiction for review. State law says that this review must be conducted jointly or both towns must vote to waive joint review leaving one town with jurisdiction. What is unusual in this case is the sequence of events: Rockport and Camden should have met prior to the commencement of any review and determined at that time whether the review was to be by Rockport or conducted jointly. This after-the-fact request must be dealt with to protect the Town from liability if claims arise and they did not review the project. As of this meeting, Rockport has not yet formally waived joint review. Rockport's Planning Board acknowledged on the Plan that it failed to obtain a waiver of review from Camden prior to approval, and they made Camden's agreeing to waive review a Condition of Approval. Mr. MacLean is concerned that might not be sufficient to relieve Camden of legal jeopardy, and reads Mr. Kelly's memo as advising the Camden Board that they must conduct a review of the application. If the Board does not waive review, Rockport's approval would be void and the application would have to be re-heard.

Mr. Kelly had advised that the Board needed to hold a Public Hearing, and that had been advertised per the Ordinance by Mr. Wilson for this evening's meeting. Mr. Wilson did not have a copy of that advertisement, but noted that it was the same wording as the agenda: Minor Subdivision Review, Waiver of Joint Review: Minor Subdivision in Rockport. The Chair wants to make sure that what was advertised is what is being done this evening.

Hearing this discussion over delaying review until the appropriate public notice had been given, Mike Sabatini let the Board know that the reason this land is being sold is to pay debts – it was not something the family wanted to do.

Mr. Sargent disclosed to the Board that he had received a call from Scott Bickford, Rockport's Code Enforcement Officer. Scott knows him as a developer's representative and knows he serves on this Board. He mentioned the Spear application and asked what the Camden Board was going to review. Mr. Sargent told him that they could not waive the review – they would have to look at the application – but that they were able to waive submission requirements. He said that the Board needed to advertise and hold a Public Hearing. Mr. Bickford asked if they could speed up the process and Mr. Sargent informed him they were constrained by the Ordinance. In spite of the conversation he felt he could make an impartial decision – the rest of the Board agreed and had no concerns in this regard.

REQUEST to WAIVE JOINT REVIEW:

The Board outlined the reasons why they would support waiving joint review of the subdivision:

- The affected area, except for part of the remainder lot, is entirely within Rockport.
- All set backs are governed by Rockport.
- Very little would be gained by conducting a joint review
- All lot-line adjustments are within Rockport nearly ½ mile from the Camden line

MOTION by Mr. Sargent seconded by Ms. MacKinnon that the Planning Board agrees to waive a joint hearing of the Maple Grove Subdivision per advice given in Bill Kelly's January 25th memo, because all lot-lines adjustments are within the Town of Rockport, and because the two new lots being created are approximately one half mile from the Camden Town line.

VOTE: 5-0-0

Mr. Sabatini had prepared a written waiver letter for the Board's signature which the Board members signed.

REVIEW:

Mr. Sargent informed the Board that this application could not be heard as a Minor Subdivision because the property is in a Rural District where, by definition, minor subdivisions are not permitted; it will have to be reclassified and heard as a Major Subdivision instead. There were concerns that is not what was advertised and questions of whether or not the Board could proceed without re-advertising. Mr. MacLean was concerned that there might have been more public concern if a major subdivision had been advertised. Mr. Wilson informed the Board that there were a great many abutters to this large parcel of land, and that he had personally spoken with several of those abutters when they got the required notice, as well as other members of the public who had heard of the proposal elsewhere; he is not sure there would have been any more interest. Ms. MacKinnon offered the opinion that they were OK to move forward since the review of a minor subdivision is less complex than a major subdivision. If they had advertised to do a full major review and changed to a minor review there would be reason for concern, but since everything reviewed in a minor subdivision is included in the major review they will cover everything they advertised they would do and more.

Tom Ford, Rockport's Planner and Development Director asked permission to address the Board. He explained that he had been involved in one other Joint Review process and shared his experience: The property being divided was in Rockport and Rockland, and like the Sprague subdivision, all of the developed property was within the Town of Rockport. There were 45 condominium units so it was a major project, but Rockland declined to participate in the review. That decision was challenged in court and the Court decided that Rockland either had to participate in review or both towns had to agree to waive joint review. Rockland did not review the project at all – they were not required to do so since they waived that right. Mr. Ford cannot imagine what will happen if Camden proceeds as they are to review the Sprague parcel. It will mean, at the end, that there will be a Plan approved by Camden that must be recorded at the Know County Registry of Deeds – and that means there will be two approved subdivision plans for the same parcel of land – he doesn't know how the registry will handle this situation, Mr. Ford insists that the only kind of review that is possible here is mutual review – joint review – to avoid having two recorded plans.

Relying on Mr. Kelly's advice that the Board must review the Application against the Approval Criteria, the Board continued. Mr. Sargent wonders if they could approve the Application contingent upon Bill Kelly's recommendation that the way the hearing was advertised has no bearing on the review process because a Major Subdivision has a higher hurdle of review than a Minor Subdivision. The Board agreed they would need to know the answer to that question.

As he started the review process for a Major Subdivision, the Chair became concerned that the Board could not comply with the procedure, as outlined, for review: A Pre-application Meeting is supposed to be held at which time any requests for waivers of submission requirements are to be submitted; a Preliminary Plan must be heard, reviewed and approved; and then the Final Plan is heard, reviewed and approved. The Board discussed the fact that there is really no reason to require any submissions since there is no work being done to the Camden piece of the property – there is no actual Plan for Camden, and the Plan approved by Rockport only shows details up to the Town line.

Mr. Ford came forward again and said that in the twenty-some years he has been involved with Planning Boards and the Subdivision Law, he has never heard of two boards *separately* reviewing the same plan – the only way he knows this can be done is through a mutual review. If they proceed in the manner they are they are going to end up with a situation for which there is no precedence. The Chair agreed that there is very little case law on the subject. Mr. Ford returned to the example of the Rockland/Rockport situation when Rockland opted out of review that had gone to Court – the letter of waiver was required to resolve the joint review requirement. Rockland was not ordered to review the project, but the two Boards were required to meet and formally agree to waive Rockland's participation in the review.

Mr. Ford was asked what the process would be if they were to proceed with a Joint Review. He replied that Rockport would probably have to withdraw their approval, a new application would be submitted to both towns, a Public Hearing would be called and the two towns would meet. If Camden were to participate in the review the Boards would have to decide which Subdivision Ordinance would rule – it would probably be Rockport's since that is where the jurisdiction is for the new lots, and they would need to agree upon some Rules of Procedure. This process they are considering now is being taken out of order, but Camden's parcel is totally undeveloped – there is nothing to review. Members agreed that there would be nothing for them to actually review because all the activity would be taking place in Rockport.

ARTICLE 6: MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW

The Chair reiterated his argument on behalf of conducting a full review expressing his continued concern that it was not possible to complete this process this evening because of various requirements of the Ordinance, including the submission and review timeframes required for approval of a Preliminary Plan. These requirements must be fulfilled before Final Plan approval can be granted. The Board agreed that the Public Hearing component had been satisfied, and addressed the submission requirements. Because there had been no Pre-application Meeting no waivers had been requested for submissions. Ms. MacKinnon suggested the Board consider a motion to waive the Pre-application portion of the project because Camden has no jurisdiction over the application. Mr. Sargent disagreed that they have no jurisdiction, and offered the following:

MOTION by Mr. Sargent seconded by Mr. Householder that the Planning Board has determined that there is no need to submit the Preliminary Plan because none of the activity of subdivision, that is the movement of lot lines, occurs in the Town of Camden.

Discussion: Mr. MacLean asks why the Board should proceed to waive the submission of a Plan when it has the ability to apply the Ordinance waiver standards for submissions.

VOTE: 4-1-0 with Mr. MacLean opposed

The Chair continued reviewing this Article asking if there was any other requirement that would apply here. For example, an Escrow Fee is required, and a Public Hearing is required – that requirement has probably been met if the advertisement was sufficient.

MOTION by Mr. Sargent seconded by Mr. Sabanty to waive the requirement for an Escrow Fee.

VOTE: 5-0-0

ARTICLE 7 – MAJOR SUBDIVISION FINAL PLAN REVIEW

The Chair proceeded to review the Application against the requirements for review of the Final Plan, again expressing his concern that the Board is not adhering to the procedures as outlined in the Ordinance. He realizes that there are reasons to proceed, but he believes the Board is in too much of a rush and setting aside consideration of what is actually required of them during this process.

The Town received the Application on January 27, 2011 – this satisfies the submission timeframe. Mr. Sargent suggests that the Board agree that because no activity is happening in Camden that there is nothing beyond the Application that needs to be submitted – there is no need for a Plan because there would be nothing on it.

MOTION by Mr. Sargent seconded by Ms. MacKinnon that the Planning Board finds that the entire Final Plan consists of the Application, and therefore, the Plan is Complete.

VOTE: 4-1-0 with Mr. MacLean opposed

MOTION by Ms. MacKinnon seconded by Mr. Householder that because no work is being done in Camden there is no need to require a Performance Guarantee.

VOTE: 4-1-0 with Mr. MacLean opposed

MOTION by Mr. Householder seconded by Mr. Sabanty that there is no need to require a recording plan as described in Section 9. This requirement is not applicable because the Recorder of Deeds does not require that the land in Camden be shown.

VOTE: 4-1-0 with Mr. MacLean opposed

MOTION by Ms. MacKinnon seconded by Mr. Householder to waive the submission of any State or Federal permits because none are required.

VOTE: 5-0-0

ARTICLE 8 - APPROVAL STANDARDS

MOTION by Ms. MacKinnon seconded by Mr. Sabanty to waive scrutinizing the Application against the Approval Criteria because there is no change being made to the land in Camden.

Discussion: The Chair offers his objection saying that the Board has an obligation to look at these standards to make sure that none of them are impacted by the development in Rockport – traffic for example. Referring to Mr. Kelly memorandum, he suggests that the Board must go through this process.

The Motion is Withdrawn.

Section 1: Pollution: The proposed subdivision will not result in undue water or air pollution. The Board finds that since no ground will be disturbed as a result of creating this subdivision there will be no pollution resulting.

Section 2: Sufficient Water: The proposed subdivision will not result in undue water or air pollution.

The Board finds that there is no development that will require water.

Ms. MacKinnon argued again that none of these criteria can apply since nothing is happening in Camden. Mr. Sargent agrees and holding up a blank piece of paper says that if a Plan had been submitted this is what it would look like – nothing is happening – nothing. In addition, the Town of Rockport applying the same criteria – or nearly the same criteria – has already completed a full review and approved the Plan. There is simply no reason to go through the same process all over again.

MOTION by Mr. Householder seconded by Ms. MacKinnon that the Design Standards of Article 8 do not apply because there is no development in Camden.

VOTE: 4-1-0 with Mr. MacLean opposed

MOTION by Mr. Sargent seconded by Ms. MacKinnon that all the Approval Standards require development activity. All Approval Standards relate to a specific piece of property. There is no development activity in either Town so the Approval Standards do not apply.

VOTE: 4-1-0 with Mr. MacLean opposed

MOTION by Mr. Householder seconded by Ms. MacKinnon to Approve the Final Plan for Maple Grove Subdivision.

VOTE: 4-1-0 with Mr. MacLean opposed

5. DISCUSSION:

1. *Minor Field Adjustments:* There were none
2. *Site Plan Pre-applications:* There were none
3. *Wind Ordinance Discussion:* Mr. Wilson reports that he has found an acoustical expert who will work with the Board in understanding noise as it relates to wind energy. His

name is Rob Rand of Rand Acoustics in Brunswick. His rate is \$500/consult plus \$.51/mile from Brunswick. Mr. Householder believes that if the Board does require experts they should advertise for competitive bids. An expenditure of this amount will have to have the approval of the Select Board, but Mr. Wilson wanted to get a sense of how the Board feels before approaching Roberta Smith about funds. The Board agrees that Bill Kelly's opinions regarding the status of Camden's Ordinances in offering protection for the Ragged Mountain High Elevation District takes the pressure off doing something immediately. They will have a lot to do with Gateway 1 very soon, so Mr. Kelly's news was good to hear.

4. *MUBEC (Maine Universal Building and Energy Code), changes for 2012*

Mr. Wilson reports that there is interest in Augusta in amending MUBEC, in changing the criteria for where MUBEC would apply, and/or repealing the entire thing. There might be news soon.

5. *Gateway 1 endorsement Public Hearing: March 2, 2011*

Mr. Wilson reports that the Select Board would like to be present for the Public Hearing but they cannot be here until 6pm. Mr. Wilson suggests that the Board advertise the meeting begins at 5:30, but that members show up at 5 as usual and he will provide pizza for a short work session prior to the meeting.

6. *Subdivision Road Amendment Public Hearing: March 2, 2011*

Mr. Wilson will advertise the Subdivision amendment for the same night and put it first on the agenda. That way the Board will be finished with their other business before the Select Board members arrive.

There being no further business before the Board they adjourned at 8:30 pm.

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary

Email Received in Opposition to the Reny's Proposed Parking Lot

	Name and Address	Date of Email	Summary of Comments
1.	Brennan, Michael 4 Norwood Ave.	2/16/2011	7-year old opposed to expansion because it would destroy a lovely shortcut.
2.	Brennan, Cathy: 4 Norwood Ave.	2/16/2011	Concerns: Traffic, safety, pollution (lights, noise, trash, fumes, gasoline and motor oil x 39 vehicles), flooding, water quality, loss of neighborhood character and property value.
3.	Brennan, Sarah 4 Norwood Ave.	2/16/2011	11-year old: Dangerous to ride bikes and walk and play on the street with more traffic; environmental damage and smells from pavement; exhaust; noise, bright lights at night and trash.
4.	Cummings, Lorna Pearl Street	2/16/2011	Affect on historic residential neighborhood with many new families with "urban sprawl" creeping in.
5.	Harper, Nancy and Mark: Pearl Street	2/16/2011	Expansion will set precedent for commercial use of properties located on Norwood and other residential areas. Traffic will have negative impact on quality of life.
6.	Van Dusen, Chris and Lori: Pearl Street	2/16/2011	Is the extra parking really needed vs. change to ruining nature of the neighborhood?
7.	Ogden, Gretchen and Michael: Spruce St.	2/16/2011	Even if in B-3 is residential in character; lights, trash, noise and runoff diminish character and property values; property is a wetland and there is already too much impermeable surface in that area causing huge run-off problems already; many people walk the street which has no sidewalk – more dangerous with more traffic; discuss expanding parking behind HAV with those owners instead – less neighborhood impact; don't build parking just for the Christmas season.
8.	Rich, Wendy and Mike: Pearl St.	2/15/2011	Extra space not needed; traffic and safety of walkers a concern; drainage issues during construction; is this a wetland?
9.	Curtis, Ellen Norwood Ave.	2/15/2011	No need for more parking.

10.	Duggan, Colleen and Henderson, Aaron: Elm St and Norwood Ave.	2/15/2011	Goes against intent of B-3 – radically change character of neighborhood; increase human traffic, auto and noise pollution inappropriate; impact on water flow to low lying abutting properties; paper and plastic trash will increase and move to the edge of Norwood to blow into the neighborhood; no need for more parking.
11.	Wheeler-Berta, Frances: Norwood Ave.	2/15/2011	Light and trash pollution, higher volume of traffic endangers walkers and children and animals, exacerbates drainage problems; does not fit purpose of B-3 to preserve established residential neighborhoods; believes this parking lot fits into “utility” category and buildings cannot be demolished – drafters of ordinance anticipated this very situation; allowing this expansion is a “canary in a coal mine” for more to come.
12.	Kopesky, Dee Molyneaux Road	2/14/2011	Not needed. (Other concerns related to thinking there will be a Norwood entrance.
13.	Teel, Jim Pearl Street	2/14/2011	Substantially reduced property values; more parking not needed; business should be confined to Route One property; please maintain charm of neighborhoods.
14.	Carlson, Jonathan Pearl Street	2/14/2011	Parking not needed; will change character of neighborhood, change in traffic patterns will be disruptive, will be encroaching into residential neighborhoods; night light pollution; please value the residential property of Norwood Ave over more parking.

15.	Ellison, Ingrid Pearl Street	2/14/2011	Alter the character of neighborhood; diminish property values; pave the way for more of the same encroachment into residential neighborhoods around Town; parking not needed.
16.	Callanan, Frank Norwood Ave.	2/13/2011	Negatively and permanently change character of neighborhood and reduce property values; other commercial ventures on the street have residential appearance; parking lots between the street and commercial buildings not allowed elsewhere in town; Reny's not maintained current buffers; site of proposed ramp to new lot is current snow dump – where will that snow go?; will snow from new lot ruin proposed buffering as well; litter will be worse than now; parking lot maintenance currently done late at night and is very noisy – now that will encroach into the neighborhood even more; traffic pattern for new lot dangerous to pedestrians without a sidewalk; will berm for retain fill to elevate new lot preclude a sidewalk along Norwood in the future?; concerned foot traffic from Norwood to Reny's will increase with easier access – perhaps even create on street parking problems along Norwood; the lot will attract after-hours use out of sight of the police.